

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATASHA SEVERIN and GALINA

COTOVA, Individually and on

Behalf of All Others

No. 10 CIV 9696(DLC)

Similarly Situated,

Plaintiffs,

- against -

PROJECT OHR, INC., METROPOLITAN

COUNCIL ON JEWISH POVERTY and

D'VORAH KOHN,

Defendants.
-----X

DEPOSITION OF NATASHA VITTORIA SEVERIN

New York, New York

Tuesday, September 20, 2011

Reported by:

ANNETTE ARLEQUIN, CCR, RPR

JOB NO. 41748

1 N. Severin

2 Q. I think you just said that your --
3 you said that your job description was discussed
4 partially.

5 Can you explain what you mean by
6 that?

7 A. We have many tasks and we did not
8 cover all of them.

9 Q. Do you remember asking any questions
10 about your job description at the orientation?

11 A. I don't remember.

12 Q. Ms. Severin, have you ever heard of a
13 sleep-in shift?

14 A. Yes, of course.

15 Q. Did you ever work a sleep-in shift
16 while employed at Project OHR?

17 A. Thirty-nine months.

18 Q. So is that a yes, you have worked a
19 sleep-in shift while employed at Project OHR?

20 A. Yes, thirty-nine months.

21 Q. Did you ever work another type of
22 shift while employed at Project OHR?

23 A. Of course, yes.

24 Q. What other type of shift did you
25 work?

1 N. Severin

2 A. A studio. One-room apartment.

3 Q. Did it have a kitchen?

4 A. Everything is in one room.

5 Q. Did some of your clients' kitchens
6 have dishwashers?

7 A. Almost no one had them.

8 Q. Did anyone have them?

9 A. I don't remember.

10 Q. Did Ms. Kogan take medicine?

11 A. Yes.

12 Q. Did you assist her with taking her
13 medicine?

14 A. Yes, I handed her all her medicine.

15 Q. Did Ms. Kogan have issues with
16 speaking?

17 THE INTERPRETER: Difficulty
18 speaking?

19 MR. ARNOLD: Sure.

20 (Interpreting.)

21 A. Sometimes, yes.

22 Q. Do you remember if Ms. Kogan had a
23 pet?

24 A. No.

25 Q. The term "sleep-in shift" has the

1 N. Severin

2 word "sleep" in it, does it not?

3 A. In theory, yes, but in practice, it's
4 practically not possible to sleep.

5 Q. My question to you is whether the
6 term "sleep-in shift" has the word "sleep" in
7 it.

8 MS. SMITH: Objection.

9 A. Yes.

10 However, it does not reflect the
11 reality.

12 MR. ARNOLD: I move to strike the
13 nonresponsive portion of that.

14 BY MR. ARNOLD:

15 Q. Did Ms. Kogan ever sleep?

16 A. Sometimes, yes.

17 Q. Did you ever sleep when you were on a
18 shift for Ms. Kogan?

19 A. Very seldom, because she snored in
20 her sleep and I stayed in the same room as she
21 was.

22 Q. Where would you sleep in the studio?

23 MS. SMITH: Objection.

24 A. Very close to her bed.

25 Q. What would you sleep on?

1 N. Severin

2 MS. SMITH: Objection.

3 A. It was a small couch but I didn't
4 sleep.

5 Q. How many hours did Ms. Kogan
6 typically sleep in a night?

7 A. It's hard for me to recollect.

8 Q. Did Ms. Kogan ever sleep an entire
9 night?

10 MS. SMITH: Objection.

11 A. No.

12 Q. There was not one night when she went
13 to bed in the nighttime and woke up in the
14 morning without waking up?

15 A. Of course not.

16 Q. Why of course not?

17 A. Well, sometimes there were situations
18 when I had to change her Pampers during the
19 night or I had to turn her over to avoid bed
20 sores every two hours.

21 Q. Just referring you to the two Plans
22 of Care for Ms. Kogan, Defendants' Exhibit No.
23 11, referring you to the positioning section of
24 the Plans of Care, is there a checkmark next to
25 "Turn every two hours"?

1 N. Severin

2 THE INTERPRETER: Turn every two
3 hours.

4 A. Yes, I can see that.

5 Q. Is there a checkmark next to where it
6 says, "Turn every two hours"?

7 A. There is no checkmark. That's a
8 mistake made by the nurse.

9 Q. Did you ever point this mistake out
10 to the nurse?

11 A. [In English] Yeah.

12 [Through the Interpreter] Yes.

13 Q. Who was the nurse?

14 A. I don't remember the name.

15 Q. When did you point out the mistake?

16 A. When I realized that there was a
17 problem.

18 Q. And how did they respond, the nurse?

19 A. They said that we did the right
20 thing, that we were turning her every two hours
21 and that we are good workers.

22 Q. Are you qualified to make assessments
23 about what information should go on a Plan of
24 Care?

25 A. I judge from the point of view of

1 N. Severin

2 practice.

3 Q. Wasn't it the nurse's responsibility
4 to complete a Plan of Care?

5 A. Yes, usually the nurse does it.

6 Q. And it was your job to follow the
7 Plan of Care; is that right?

8 A. Yes.

9 Q. Did you ever have any client who
10 slept through an entire night?

11 A. No.

12 Q. So you mentioned that you provided
13 care for over, possibly over 100 clients during
14 your six years of employment.

15 It's your testimony today that not
16 one single client on one single night slept
17 through the entire night?

18 A. Of course, because otherwise why
19 would we be employed there if they sleep this
20 long for the night?

21 Q. So just to get an actual answer to my
22 question, is it your testimony that during your
23 time of employment where you provided care for
24 over 100 clients, not one of them ever slept
25 through the night?

1 N. Severin

2 A. No.

3 Q. Did you ever have a client that just
4 woke up once during the night?

5 A. I don't remember.

6 Q. But you remember that your clients
7 never slept through the night, that's right?

8 A. No, didn't sleep through night.

9 Q. But you don't remember if a client
10 just woke up once during the night?

11 A. That would have been a very lucky
12 situation for me, but however, it didn't happen.

13 Q. So you never had one client who just
14 woke up once during the entire night.

15 MS. SMITH: Objection.

16 A. I don't remember.

17 Q. Did you ever have a client that just
18 woke up two times during the night?

19 A. Usually they give me clients who woke
20 up very many times.

21 Q. And why would they give you clients
22 like that?

23 A. I don't know.

24 Q. Did you ever ask for clients who woke
25 up a lot of times?

1 N. Severin

2 A. Why would I want to ask for that?

3 Q. I don't know. I asked you if you
4 ever asked for that. It's either a yes or no
5 answer.

6 A. No.

7 Q. Did a client ever just wake up, get
8 confused and go back to sleep under a minute?

9 A. Yes.

10 Q. Did a client ever wake up having
11 soiled themselves and you had to change them,
12 and then they went back to sleep?

13 A. Yes.

14 Q. Did you ever write down anywhere the
15 times you would wake up at night to service a
16 client?

17 A. No.

18 Q. And why didn't you write that down?

19 MS. SMITH: Objection.

20 A. Why would I want it, to do it?

21 Q. That's why I'm asking you.

22 A. They have never asked us to do it.

23 Q. Does Ms. Kogan's Plans of Care
24 indicate that you should clean her bedroom?

25 A. She didn't have a bedroom as such.

1 N. Severin

2 A. Of course not, but they would sleep
3 only for a very short time because of their
4 mental state was kind of very special.

5 Q. Did the amount they spent sleeping
6 differ depending on the client?

7 A. Yes, but mostly it was short.

8 Q. You said you typically worked
9 sleep-in shifts for Ms. Lazar on weekends over a
10 two-and-a-half period; is that correct?

11 A. Yes. Yes, plus replacements.

12 Q. Did Ms. Lazar attempt to go to sleep
13 at a particular time each night?

14 A. Ms. Lazar was completely mixed up
15 regarding the notion of day and night.

16 Q. Because she was blind?

17 A. Yes. And also because she had
18 dementia.

19 Q. And what time would she typically try
20 go to sleep?

21 MS. SMITH: Objection.

22 A. She may have tried to go to sleep
23 totally around the time of day and night.
24 Could be at 3 in the afternoon, could be at 6 in
25 the morning, could be at 12 at night, but she

1 N. Severin

2 never succeeded to sleep for a long period of
3 time.

4 Q. What type of assistance might a
5 client of yours need when they wake up from
6 their sleep?

7 A. Say, for example, Clara Lazar would
8 enter the room and ask me to bring her coffee
9 and to give her something to eat.

10 Q. And what about some other examples of
11 why a client might wake up?

12 THE INTERPRETER: Some other
13 examples?

14 MR. ARNOLD: Yes.

15 THE INTERPRETER: With Clara?

16 MR. ARNOLD: I'll rephrase it.

17 BY MR. ARNOLD:

18 Q. Can you give me some other examples
19 of why any client may wake up?

20 A. For example, they would need to go to
21 bathroom. Sometimes they would be in a
22 depressive or anxious state and they would ask
23 me, "I have difficulty sleeping. Could you
24 please sit with me."

25 Q. What else?

1 N. Severin

2 A. Sometimes it would be necessary to
3 change their Pampers and also to turn them.

4 Q. Were any of your clients -- did any
5 of your clients take medication that made them
6 drowsy?

7 A. I don't know why they were drowsy.

8 Q. Where would Ms. Lazar eat in her
9 apartment?

10 A. She eat in the kitchen. She eat in
11 my room. Sometimes she eat in my room. You
12 know, she was 99 years old and then when I was
13 leaving her, she was 101.

14 Q. Pretty amazing.

15 A. She was blessed by God.

16 Q. That's pretty amazing.

17 So I take it she couldn't bathe
18 herself?

19 A. She needed help.

20 Q. How long would it typically take for
21 you to bathe Ms. Lazar?

22 A. Ms. Lazar loved to bathe. Well, you
23 know, she was kind of swimming in her bathtub,
24 enjoying herself, and she could easily spend an
25 hour or more.

1 N. Severin

2 the Defendants' Exhibit No. 10?

3 (Document review.)

4 Q. If you can please turn to the page
5 that's marked P17?

6 (Witness complies.)

7 Q. Earlier we looked at the fifth
8 paragraph down that reads, among other things,
9 "Home attendants are neither required nor
10 permitted to perform heavy duty cleaning
11 tasks..." and then several are listed.

12 Do you remember that?

13 A. Yes.

14 Q. Ms. Severin, when you were employed
15 by Project OHR, did you ever wash windows or
16 blinds for an OHR client?

17 A. Very often.

18 Q. And when you were employed by Project
19 OHR, did you ever move furniture at OHR clients'
20 houses?

21 A. Yes.

22 Q. Can you say how often?

23 A. For a client like Clara Lazar, almost
24 daily.

25 Q. Did you ever wax floors when you were

1 N. Severin

2 employed by Project OHR for OHR's clients?

3 A. They didn't have floors that required
4 waxing.

5 Q. And when you were employed by Project
6 OHR, did you ever do laundry by hand for any of
7 OHR's clients?

8 A. Very often, several times a day.

9 Q. Ms. Severin, can you look at a
10 document marked as Defendants' Exhibit No. 7?

11 (Document review.)

12 A. Yes.

13 Q. Do you recall writing this letter?

14 A. Yes.

15 Q. What were the circumstances that led
16 to you deciding to write this letter?

17 A. At the time I worked on Baransky
18 case, I completely forgot what is it to sleep
19 through the night. Well, I was very tired and I
20 was frightened to learn that such jobs exist at
21 all.

22 Q. Was there anything else that you
23 remember about the circumstances that caused you
24 to write that letter?

25 A. No.